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THE
CASE
OF
WILLIAM HODGSON,
NOW CONFINED IN NEWGATE, FOR THE PAYMENT OF TWO
HUNDRED POUNDS, AFTER HAVING SUFFERED TWO
YEARS' IMPRISONMENT ON A CHARGE OF SEDITION,
CONSIDERED AND COMPARED
WITH
THE EXISTING LAWS OF THE COUNTRY.

BY HIMSELF.

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WILLIAM HODGSON

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THE
CASE, &c.

To the People of England.

IT may sometimes happen that the fate of an insignificant individual involves that of a whole nation, and it has therefore occurred, that the people, abstracting the punishment from the man, have found it to be for their general safety to examine thoroughly the whole affair, and compare the practice of the law with the theory.

Thus it was in the case of the great, the virtuous, the immortal SYDNEY, whose execution will remain as indelible a stain on the British annals, as does that of that best and wisest of mankind, the truth-loving SOCRATES, on those of Athens. What friend to humanity but blushes for the conduct of the GRECIANS on that occasion? Or where is the FREEMAN but detests the name of the bloody JEFFERIES, who passed a sentence which the Parliament of England thought it becoming their respect for justice to reverse, inasmuch

inasmuch as they then could, declaring the monster who pronounced the infernal decree, for ever infamous?

I do not pretend that my sentence is of this nature; all I shall say is, that as far as my simple abilities have permitted me to view it, under all its circumstances, it has to *me* the appearance of not being conformable to the laws of my country; and this conviction in my own mind, however erroneous it may prove upon the riper consideration of more enlightened men, has determined me to submit a few words to the attention of the English people. I am further urged to this measure by the reflection, that no man can faithfully discharge that duty which he owes to his fellow-creatures, whenever he withholds from them any thing in which he has rational grounds for supposing their interest to be implicated.

The people of every country have a right to claim the due execution of the law as the price of their obedience to the ruling powers; and it requires no sophistry to discover, that whenever the compact is broken on either side, the parties are, in the eye of REASON, and according to the rules of JUSTICE, liable to an infliction of punishment, suited to the injury which their conduct has done to that society of which they form only integral portions.

IN ENGLAND a solemn engagement takes place between the Executive Power and the People, on every renewal of the person who fills the kingly office ;

office; which, in the understanding of English jurisprudence, never dies. This engagement is, that the man or woman who exercises the functions of the first Magistrate, "solemnly promises
"and swears to govern the people of this kingdom of England, and the dominions thereto
"belonging, according to the Statutes in Parliament agreed on, and the Laws and Customs
"of the same; and that he or she will, to his or
"her power, cause law and justice in mercy
"to be executed in all his or her judgments."

The obedience of the people to this magistrate is implied, and the consequence is, that whoever violates the law is liable to such punishment as the law so violated has prescribed and directed to be inflicted on the delinquents, without respect of persons; which punishment, although frequently a latitude is left for its mitigation, is always fixed at the maximum: and, in order that arbitrary measures might not obtain, the law has enacted as a fundamental principle, that, in all cases, although the chief executive magistrate be the general prosecutor, in virtue of his office, and all infliction takes place in his name, no condemnation to punishment shall be considered as legal which has not previously received the sanction of a jury, composed of twelve peers of the party arraigned at the bar of national justice.

This sacred principle, I allow, has been abrogated in Revenue concerns; but yet remains entire for every other purpose.

I shall

I shall for a moment digress, to shew how jealous the men of England have been of the exact fulfilment of this covenant, a violation of it, on the part of the executive power, having brought a man of the name of CHARLES STUART, who filled the regal chair in the year 1649, to the scaffold, where he lost his head; and obliged another man, of the name of JAMES STUART, who also held the reins of government in the year 1688, to fly from the threatened vengeance of an injured and insulted people; after which fugitation, or as it was then termed "*abdication*," in imitation, I suppose, of the ancient Greeks, who, previous to their total subjugation to the arm of tyranny, had softened down every expression in such a manner, that it was difficult to understand their meaning in any thing; and the death of a man of the name of WILLIAM OF NASSAU, who was called in to supply the deficiency, and of a woman named ANNE, of the STUART line; the family of the GUELPHS, then and now exercising the functions of ELECTOR in a certain portion of German territory, called HANOVER, were sent for to perform the duties of first magistrate in the British dominions; and a man of the name of GEORGE GUELPH, was invested with that dignity in the year 1714: the office being declared by the law of this country hereditary, it has remained in this family ever since, who have all sworn the oath hereinbefore quoted.

Having

Having proceeded thus far, I shall, for the clearer elucidation of this business, quote a part of the law of "this kingdom of England," as it stood on the day when I received sentence.

First, then, MAGNA CHARTA recites, section 24—"A free-man shall not be amerced for a small fault, but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it, saving to him his contentement; and after the same manner a merchant, saving to him his merchandize."

Section 47—"We will sell to no man, we will deny to no man, or defer right nor justice."

Section 64—"All unjust and illegal fines, and all amerciements imposed unjustly, and contrary to the laws of the land, shall be done away."

Secondly, the BILL OF RIGHTS, recites, section 10—"That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

These are some of the provisions of the law of England, by which the chief magistrate has sworn to govern the people of this realm: few, I think, will deny that the present family would, in all probability, never have been placed at the head of the executive department of this country, had it not been for the violation of these provisions by the STUART family, and the punishments inflicted on that excluded race, in consequence of such transgressions; neither will many be found
to

to contravene the position, that whatever deviates from them, is an infraction that nearly concerns the interest of every man in the country.

I shall, therefore, without ceremony, proceed to state my case, leaving it for those who may peruse it to draw their own conclusions. It is briefly this:

On the 9th December, 1793, I was tried at the bar of the Old Bailey, on a charge of having given as a toast, "THE FRENCH REPUBLIC;" and also, of having "COMPARED THE KING TO A GERMAN HOG BUTCHER;" of these charges I was found guilty!!!!!! and sentenced "*to be confined in Newgate for Two Years, to pay a Fine of Two Hundred Pounds, and to find securities in Four Hundred Pounds for Two Years' longer;*" and, but whether meant as a second sentence or not I cannot tell, about five minutes after pronouncing the above, the *sapient* Recorder of London added, with a voice that no doubt he intended should be terrific;—"and farther, that you *remain in Prison until the Fine be paid.*"

The two years I have remained in the common gaol of Newgate, conformably to the Sentence, they expired on the 8th December 1795;

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and I am now detained for the Fine and the Bail, the former of which it is utterly impossible for me to pay, as I am not either worth the money, nor
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have I any likelihood of being so, at least while my habitation shall be within the stone walls and massive doors of NEWGATE.

I shall not here enter into any investigation of the matters charged against me—I shall only remark, that on my trial I admitted that the words were spoken by me—I never did nor ever shall deny them, if, in the eye of impartial JUSTICE they can be considered as an infringement of the law, I was willing to abide the consequence, and I have so done ; for I am neither ashamed of the language I have held, nor do I feel the slightest contrition for having used it : I here, in the face of the whole world, avow my opinion to be, that a REPUBLIC is the best suited to the happiness of the French people. As a MAN it is my right to have an opinion on this and every other subject ; and, as an ENGLISHMAN, I never shall be either afraid or ashamed to declare my opinions freely, let the consequence be what it may ; but I contend, that in no possible case ought the law to be stretched or rendered subservient to the views of any man or Junto of men, and that whenever it so happens that the law is exceeded, from that moment it ceases to be the cause of an individual, and becomes the cause of the community at large.

Suppose, for a moment, we enquire into the nature of the offence charged against me ; what denomination does it bear ? Let us ask REASON, and the LAW.

First,

First, then, REASON says it is a DIFFERENCE OF OPINION: upon what? Why, upon the means most likely to promote that which ought to constitute the great end of human actions—the happiness of the human race, living together in society. Is there any breach of MORALITY in this? All rational men must, I think, answer in the negative. Wherefore, then, is it punished? Because administration does not concur in your ideas, and thinks them dangerous. Be it so:—I submit.—But will any man come forward and say, I am not equally zealous for the felicity of my countrymen as the most strenuous defender of the minister, or even as this minister himself? Perhaps there may. To such I answer, ye are mistaken. My aim is to augment the welfare of my native land. We differ in the mode by which it is to be effected; that is all. He imagines, that it will be best achieved by the misery and slavery of other countries: I think, that the more happiness and liberty other nations enjoy, the greater portion of these blessings will result to ourselves. And for this reason I was, and still am, decidedly of opinion, that the war with the French people, on account of changing their government, is both impolitic and immoral; and calculated to embitter the cup of felicity out of which ENGLISHMEN, in common with the rest of mankind, have an indisputable right to drink.

Of those who think that no man should be permitted to differ, with impunity from the measures
of

of government, I would ask, What proof have ye, that the methods pursued by the minister are such as tend to render the people happy? Let us look through the nation, and ask the commercial men, if their interest has been promoted by this war? The bankrupt list will give an unequivocal answer to this question. Ask the tender orphans, thrown ruthless on the world; will they speak of the advantages they have reaped? Ask the disconsolate widows—the grey-headed fathers, robbed of the support of their tottering age—the sisters, who mourn the loss of brothers—the fond mother, whose darling son has been violently forced from her maternal arms, to fight in a cause his soul detests, and who only performs the work of blood under the terrors of a mutiny act—ask the starving poor, deprived of employ by the operation of his schemes—or ask the tradesman—the mechanic—the husbandman—the labourer, whose earnings are now inadequate to the purchase of the necessary comforts of life, owing to the multitudinous taxes levied to support his all-destructive plans;—will any of these say, that those opinions to which he so pertinaciously adheres, have added to their quantum of happiness? Look at them! the answer is legibly written in their squalid misery. And will any man deny that these constitute a great majority of the inhabitants of these islands? As well might he affirm, that the pensioned sycophants of government bear the whole expence of the war. Where, then, is the demonstration of the
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the superiority of his opinions? Might it not then be fair in any man to say; your means have been tried, and found sadly deficient to the end proposed: mine have this advantage; they cannot render things worse than they are: they may, perchance, improve their condition: and, having never yet been put into practice, it is not possible to determine, without presumptive arrogance, that they may not, at least, be preferable to those which have regulated your conduct; inasmuch as they will be less destructive. Yours depopulate the earth, without making those who remain happy; mine will not decrease the number of men, if they add not to their felicity.

Next, the LAW says it is a MISDEMEANOUR; that is an offence of less magnitude than SINGLE FELONY. Well, then, what is the punishment for single felony? Why, sometimes, a month's imprisonment; sometimes three months'; sometimes twelve months'; sometimes three years'. But at the expiration of these terms, is there a large sum of money to pay, and securities to find against future attacks on the public? No.—Then is it not a solecism, to make the punishment of that which is by LAW declared to be the smaller offence fall heavier on the individual than that which is attached to the greater? Who will be hardy enough to say no? The swindler, the perjurer, the thief, is transported for seven years; the time expired, he is again at liberty, without any further precaution, to pursue his
vicious

vicious propensities and to violate every moral duty. While the man, whose only crime is to differ with those in power on the best means of preventing these depredations, and securing the liberty and happiness of his fellow citizens, is to be punished with imprisonment for life, by the dextrous means of imposing upon him a fine which he is unable to pay, and directing him to find sureties which he cannot get! If this be MORALITY, I envy not its professors.

I wish it to be clearly understood, that I have no intention by this address to ask any favour of the government; on the contrary, were there only the alternative left me, to rot and perish in my prison for want, or to ask indulgence or mercy at the hands of administration, I would prefer the former.—No!—never shall it be said, with truth, that I cringed and stooped, and kissed the rod of oppression; and as I consider myself oppressed by the sentence passed against me, I never can nor shall contemplate the parties concerned in it with any other sensation than that of the most sovereign contempt.

MERCY is only to be asked by criminals—FAVOURS but of those whom we consider worthy our esteem—the government, therefore, has nothing in its power to offer me, except solid and substantial JUSTICE, that I should not deem myself eternally disgraced by accepting.

The Public will, I trust, pardon this intrusion of an individual of no other consequence than as
he

he may be found to have been the medium through which their rights have been invaded.

To give them the opportunity of comparing the administration of the law with its spirit, was the only motive for their being thus addressed by their

Fellow Countryman,

WILLIAM HODGSON.

*Newgate,
Feb. 9, 1796.*

P. S. I should be wanting in that gratitude which can alone distinguish a mind alive to the generous dictates of sensibility, were I to neglect this opportunity of offering, at the shrine of those noble, respectable, and virtuous characters, who have stood so philanthropically prominent in subscribing a part of the sum necessary to rescue me from perpetual incarceration, that tribute of acknowledgment which flows from a heart whereon their benevolence is deeply engraven. It shall be my task to treasure in my memory their flattering exertions, and my highest ambition to prove myself not unworthy the favours they have conferred.—Should their liberal efforts ultimately fail of success, the remembrance of their kindness cannot fail to alleviate the bitter pangs of imprisonment, as it will be my greatest pride to reflect, that some of the wisest, most celebrated, and best men of the day, came forward to ameliorate my sufferings; and my first care shall be, to teach my infant daughter to list forth thanks to the benefactors of her father.



